

column 4, lines 12-13 that "The hydraulic fluid may be engine lubricating oil, engine fuel, or other suitable fluid". This however is not a teaching that the fluid system is used solely for actuating a subsystem of an engine specifically located in the head assembly of such an engine. Regarding claims 2, 6-8 and 11-13, these claims add further limitations to independent claims 1 and 9 and therefore are believed to be allowable for at least the same reasons. Applicants therefore respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) of claims 1-2, 6-9, and 11-13.

The Examiner has rejected claims 5 and 10 under 35 U.S.C. §103(a) as being anticipated by Hu US Patent 5,680,841 (as applied to claims 1 and 9 above) in view of Glassey US Patent 5,191,867. The Examiner further explains that the Hu reference teaches all of the limitations of the present invention, except for the subsystem being a fuel injection system, which is taught by Glassey.

Applicants respectfully traverse the Examiners rejections for the same reasons as argued above. Hu does not teach that the fluid system is used solely for actuating a subsystem positioned in the head assembly. Therefore, the combination of Hu and Glassey does not teach or even suggest the combination of elements as set forth in the present application and respectfully requests withdrawal of the rejections under 35 U.S.C. §103(a) and reconsideration of claims 5 and 10 of the present application.

The Examiner has rejected claims 3-4 and 14 under 35 U.S.C. §103(a) as being anticipated by Hu US Patent 5,680,841 (as applied to claims 1-2, 9 and 13 above) in view of Bartley US Patent 6,220,521. The Examiner further explains that the Hu reference teaches all of the limitations of the present invention, except for the fluid system including a heat exchanger to control fluid temperature, which is taught in Bartley.

Applicants respectfully traverse the Examiners rejections for the same reasons as argued above. Hu does not teach that the fluid system is used solely for actuating a subsystem positioned in the head assembly. Therefore, the combination of Hu and Bartley does not teach or even suggest the combination of elements as set forth in the present application and respectfully requests withdrawal of the rejections under 35 U.S.C. §103(a) and reconsideration of claims 3-4 and 14 of the present application.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,



Jeff A. Greene
Registration No. 45,756
Patent Agent
Caterpillar Inc.

Telephone: (309) 675-1056

Facsimile: (309) 675-1236

G:/JAG/Amend/00-263.doc